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SPEECH

OF

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HON. R. M. T. HUNTER,
" OF VIRGINIA,

ON THE

RESOLUTION PROPOSING TO RETROCEDE THE FORTS,
DOCK-YARDS, &c., TO THE STATES AP-
PLYING FOR THE SAME.

DELIVERED

IN THE SENATE OF THE UNITED STATES,

✓ JANUARY 11, 1861.

WASHINGTON:
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1861.

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S P E E C H
O F
HON. R. M. T. HUNTER, OF VIRGINIA,
O N T H E
FORTS AND ARSENALS IN THE STATES.

DELIVERED IN THE SENATE OF THE UNITED STATES, JANUARY 11, 1861.

Mr. LANE. I now move to take up the resolution which was made the special order for one o'clock.

The VICE PRESIDENT. The Senator from Oregon moves to take up the resolution offered by the Senator from Virginia, (Mr. HUNTER,) in relation to the retrocession of forts, magazines, arsenals, dock-yards, &c., to certain of the States.

The motion was agreed to; and the Senate proceeded to consider the following resolution, submitted by Mr. HUNTER on the 2d instant:

Whereas certain forts, magazines, arsenals, dock-yards, and other needful buildings, have been placed under the exclusive jurisdiction of the United States by a cession to that effect from certain States, and it may be the desire of one or more of those States to resume the jurisdiction thus ceded: Now, therefore,

Be it resolved, That the President of the United States ought to be authorized by law, upon the application of the Legislature, or of a regular convention of the people of any such States, to retrocede this jurisdiction to such States, upon taking proper security for the safe-keeping and return of all the property of the United States, or for paying for the value of the same if destroyed or injured by the act of any of the States making such application.

The VICE PRESIDENT. The resolution is before the Senate; and the Senator from Virginia (Mr. HUNTER) is entitled to the floor.

Mr. TRUMBULL. I desire to offer an amendment to the resolution of the Senator from Virginia.

Mr. HUNTER. I give way to the amendment, provided I do not lose the floor by it.

The VICE PRESIDENT. The Senator does not lose the floor. It is by courtesy that the amendment is read.

The Secretary read the amendment of Mr. TRUMBULL; which is, to strike out the preamble of the resolution, and after the word "that," and, in lieu of it, to insert:

We fully approve of the bold and patriotic act of Major Anderson, in withdrawing from Fort Moultrie to Fort Sumter, and of the determination of the President to maintain that fearless officer in his present position; and that we will support the President in all constitutional measures to enforce the laws and preserve the Union.

Mr. HUNTER. Mr. President, I have not sought to speak hitherto on the momentous question of the day, because I did not believe that any good would be accomplished by speaking. The disease seemed to me to be so deeply seated that none but the most radical remedies would suffice; and I had no hope that the public mind of the North was in a condition to receive any such proposition. I do not know that it is even now prepared to weigh carefully such a suggestion; but surely none can longer doubt the imminence or the extremity of the danger. All must see that the bonds which have hitherto bound together the members of this Confederacy are parting like flax before the fire of popular passion. Our political fabric is reeling and tottering in the storm; so that, if it were not based on the solid foundations of State organization, there would be every reason to expect its entire destruction. Before the end of this month, it is almost certain that six or seven of the States will have seceded from this Union. It is therefore now no more a question of saving or of preserving the

old Union. We cannot recall the past; we cannot restore the dead; but the hope and the trust of those who desire a Union, are that we may be able to reconstruct a new Government and a new Union, which perhaps may be more permanent and efficient than the old. I know, sir, that there are difficulties in the way; but I put my trust in the good sense and in the instincts of empire, which have heretofore characterized the American people, to accomplish that great work. If we would do it, we must not sit idly, bewailing the condition of public affairs; but in the heroic spirit of the mariner who is cast away on a distant shore, see if we cannot find materials to build another ship, in which we may once more take the sea, and rejoin our kindred and friends. But, Mr. President, to do this, we must face and acknowledge the true evil of the day. To-day we must deal wisely with the mighty present, that we may be ready for perhaps the still more eventful future which will be on us to-morrow. New ideas, like new forces, have entered into our system; they are demanding the legitimate expression of their power, or they threaten to rend and destroy it in their wild and irregular play. There are now portions of this Union in which population already begins to press on the means of subsistence. In all of the States there is a desire—in some of them a necessity—for further expansion. It is that which has led to the warfare between the two social systems which have been brought together in our Constitution; a war waged with a bitterness and asperity that has reduced us to the sad pass in which we now find ourselves.

This Constitution was designed to unite two social systems, upon terms of equality and fairness, different in their character, but not necessarily hostile. Indeed, the very differences in these systems, it would seem, ought to have formed causes of union and mutual attraction, instead of giving rise to the "irrepressible conflict" which, it is said, some law of nature has declared between them. What the one wanted, the other could supply. If the carrying States did not make their provisions, the provision-growing States, on the other hand, had not the ships in which to transport their surplus productions. If the manufacturing States did not raise the raw material, the planting States, on the other hand, did not have the manufactures to convert that material into useful and necessary fabrics. Thus, what the one wanted, the other could supply. The very difference of products would seem to have afforded the means for forming a perfect system of industry, which should have been stronger by the mutual dependence and support of the parts. Unfortunately, however, as those who represented the non-slaveholding system of society grew into power, they commenced a warfare upon the other system which was associated with it under the Constitution. It was commenced in 1820, when it was declared that the social system of the South was founded upon sin, was anti-republican in its character, and deserved to be repressed and suppressed by the General Government wherever it had exclusive jurisdiction. The claim was made, that so far as the Territories of the United States were concerned, they were to be given up to the exclusive expansion of one of these systems at the expense of the other. Unhappily, in that first contest, the weaker system was overpowered; a law passed which did put it under the ban of the Empire; which did exclude the South from a large portion of the domain of the United States.

After that sprang up a party, at first not so large as it now is, which commenced a regular warfare upon the system of slavery in the South; upon the social system of the States which tolerated the institution of slavery. They commenced a system of agitation through the press, the pulpit, and the common halls of legislation, whose object it was to wound the self respect of the slaveholder, and to make him odious in the eyes of the rest of the world. They denied that there could be any property in slaves—the very foundation of the social system of the South—and, as a consequence, they maintained that this government was bound to prevent its extension, and to abolish and suppress it wherever it had exclusive jurisdiction. They sought, by petition, to put an end to the slave trade between the States, that the institution might be pent up, and made dangerous and unprofitable.

In process of time, they either evaded or they denied the constitutional obligation to return fugitive slaves; and at last it was proclaimed here in these Halls that there was a law higher than the Constitution, which nullified its obligations and its provisions. Practicing upon this preaching, the majority of the non-slaveholding States, as was shown by my friend from Georgia (Mr.

Toombs) in his able argument on this subject, passed personal liberty bills, the practical effect of which was to nullify the fugitive slave law, which was passed in pursuance of the Constitution of the United States.

It is but a year since there was an armed invasion of my State for the purpose of creating servile insurrection; and yet not a State—and it is with the States alone that effectual remedies can be applied—has interfered, to make any such combinations penal in time to come. We have heard it pronounced, sir, by a distinguished leader of that party, that there was to be an “irrepressible conflict” between the two social systems, until one or the other was destroyed. A President has been nominated and elected by a sectional majority, who was known to have avowed and to entertain such opinions; and a party has come into power, with full possession of this Government, which has elected a President and a standard-bearer who has made such declarations in regard to the rights of the South.

Is it surprising, then, that the southern States should say: “it is not safe for us to remain longer in a Government which may be directed as an instrument of hostility against us; it is not safe for us to remain longer under the rule of a government whose President may misuse his patronage for the very purpose of stirring up civil strife among us, and also for the purpose of creating civil war in our midst?” For it is known that a large portion—and that was but a year ago—of the Republican leaders and members in the House of Representatives indorsed and recommended a book which proposed the extinction of slavery by such means. Under such circumstances, I ask, is it surprising that the southern States should say: “it is unsafe for us to remain under a Government which, instead of protecting us, may be directed against us, as an instrument of attack, unless we can be protected by some new constitutional guarantees, which will save our social system from such a warfare as this!”

Mr. President, the southern people number now some thirteen million, and cover between eight hundred thousand and nine hundred thousand square miles of territory. They have within themselves all the capacities of empire. Is it to be supposed that when they are threatened in the common Government with an attack upon their social system, upon which their very being depends, they will not withdraw from that Government—unless they can be secured within the Union—for the purpose of establishing another, which they know can and will protect them? Why, sir, what people is it that can stand a constant warfare upon their social system, waged for the purpose of dwarfing and suppressing and destroying it? The social system of a people is its moral being; and the Government which would dwarf or suppress it is like the parent who would consign his child to vice and ignorance. I know of instances in which nations have thriven under bad laws; I know of instances in which nations have prospered when their allegiance was transferred by force from one country to another; I know of none which survived the sudden and total prostration of its social system. To destroy that is to reduce them to anarchy, which is the death of a nation or a people.

I say, therefore, sir, that the South is bound to take this course unless it can get some guarantees which will protect it in the Union, some constitutional guarantees which will serve that end; and I now ask, what should be the nature of the guarantees that would effectually prevent the social system from such assaults as these? I say, they must be guarantees of a kind that will stop up all the avenues through which they have threatened to assail the social system of the South. There must be constitutional amendments which shall provide: first, that Congress shall have no power to abolish slavery in the States, in the District of Columbia, in the dock-yards, forts, and arsenals of the United States; second, that it shall not abolish, tax, or obstruct the slave trade between the States; third, that it shall be the duty of each of the States to suppress combinations within their jurisdiction for armed invasions of another; fourth, that States shall be admitted with or without slavery, according to the election of the people; fifth, that it shall be the duty of the States to restore fugitive slaves when within their borders, or to pay the value of the same; sixth, that fugitives from justice shall be deemed to be those who have offended against the laws of a State within its jurisdiction, and who have escaped therefrom; seventh, that Congress shall recognize and protect as property whatever is held to be such by the laws or prescriptions of any State within the Territories, dock-yards, forts, and arsenals of the United States, and wherever the

United States has exclusive jurisdiction; with the following exceptions: First, it may leave the subject of slavery or involuntary servitude to the people of the Territories when a law shall be passed to that effect with the usual sanction, and also with the assent of a majority of the Senators from the slaveholding States, and a majority of the Senators from the non-slaveholding States. That exception is designed to provide for the case where we might annex a Territory almost fully peopled, and whose people ought to have the right of self-government, and yet might not be ready to be admitted as a State into the Union.

The next exception is, that "Congress may divide the Territories to the effect that slavery or involuntary servitude shall be prohibited in one portion of the territory, and recognized and protected in another; provided the law has the sanction of a majority from each of the sections as aforesaid," and that exception is designed to provide for the case where an unpeopled Territory is annexed, and it is a fair subject of division between the two sections.

Such, Mr. President, are the guarantees of principle, which, it seems to me, ought to be established by amendments to the Constitution; but I do not believe that these guarantees alone would protect the social system of the South against attack, and perhaps overthrow, from the superior power of the North. I believe that, in addition to these guarantees of principle, there ought to be guarantees of power; because, if you do not adopt these, the South would still be subjected to the danger of an improper use of the patronage of the Executive, who might apply it for the purpose of stirring up civil strife and dissension among them. The southern States might, too, notwithstanding these provisions, find themselves in a position in which the stronger party had construed them away, and asserted, perhaps, that there was some higher law, which nullified and destroyed them. To make the South secure, then, some power ought to be given it to protect its rights in the Union—some veto power in the system, which would enable it to prevent it from ever being perverted to its attack and destruction.

And here, Mr. President, if the Senate will bear with me, I will proceed to suggest such remedies in this regard as I think ought to be applied, premising that I do not mean, by any means, to say that I suppose I am suggesting the only means on which a settlement may be made. I know there are others—others on which I would agree to settle the differences—but I am suggesting the means on which I think the best and the most permanent settlement can be made; and I do not believe that any permanent peace can be secured, unless we provide some guarantees of power, as well as of principle.

In regard to this guarantee of power, in the first place, I would resort to the dual executive, as proposed by Mr. Calhoun, not in the shape in which he recommended it, but in another form, which, I think, is not obnoxious to the objection that may be fairly taken against his plan. I would provide that each section should elect a President, to be called a first and a second President; the first to serve for four years as President, the next to succeed him at the end of four years, and to govern for four other years, and afterwards to be ineligible. I would provide that, during the term of service of the first President, the second should be President of the Senate, with a casting vote in case of a tie; and that no treaty should be valid which did not have the signature of both Presidents, and the assent of two-thirds of the Senate; that no law should be valid which did not have the assent of both Presidents, or in the event of a veto by one of them, the assent of a majority of the Senators of the section from which he came; that no person should be appointed to a local office in the section from which the second President was elected, unless the appointment had the assent of that President, or in the event of his veto, the assent of a majority of the Senators from the section from which he came.

And, sir, if I had the power, I would change the mode of electing these Presidents. I would provide that each State should be divided into presidential electoral districts; that each district should elect one man, and that these representatives from the whole United States should meet in one chamber, and that the two men who, after a certain number of ballots, received the highest number of votes should be submitted as the candidates to the people, and he should be declared as President who received a majority of the districts—the districts each voting singly. I would do this to destroy the opportunities which are given under our present system of nomination to the formation of

corrupt combinations for purposes of plunder and of patronage. I would substitute this, instead of the national conventions, which have already done so much harm in our system.

I would also diminish the temptation to such corrupt combinations for spoils and patronage, by the fact that the President, after the first election, would be elected four years before he commenced his service as President, and in the mean time he would be training as a second President at the head of the Senate, and exercising the veto power. The fact that he was elected four years beforehand would do much to prevent such combinations; but, further than this, the effect of such a division of the Executive power would be to destroy, to a great extent, the miserable system of rotation in office, which exists at present, and to make merit the test of the fitness for office and a guarantee for permanence in place; for, as the second President would probably keep those in office during his term of President whom he had protected by his veto power before, if they were worthy of the place, the effect would be, at least, if this system were introduced, that the rotation principle would be applied, if at all, not once in four years, but once in eight years.

But this plan would have another good effect. It would save us from most of those agitations attending a presidential election which now disturb the country, which unsettle public affairs, and which are doing so much to demoralize and corrupt the people. The election would take place once in four years, but in one section at a time; it would take place in each section alternately, and but once in eight years; and in this way we should escape those disturbances which are now dividing and destroying us.

Mr. President, I do not believe that under this system the objection would apply which has been urged against the common dual executive. I have no idea that it would get up two parties, each concentrated around the different Presidents; because the second President would exercise his veto power only for the protection of his section, and would not wish to offend the other section, whose good will would be valuable to him hereafter; nor would he wish to impair and injure the influence of the office to which he was to succeed after his predecessor had passed through his term of service. The rule between them would be the rule of justice; and the probability is, that whenever there was a dispute, it would be apt to end in adopting that course which either was just, or which seemed to be just, to both sections.

Neither, sir, would it operate to retard or delay the operations of the Government to too great an extent. In time of war, the operation would be quick enough. In time of peace, the delay would only occur where there was a dispute between the sections; and there the movements of Government ought to be slow until some means are found for conciliating and adjusting the difficulty.

But, Mr. President, I will go further. I believe, putting out of consideration these sectional questions, that the working of the present executive system of our Government will destroy it in the end, and lead either to disunion or despotism, if some amendment be not made. I believe it will do so because the working of our executive system is now such as to beget and bring up a party whose existence and foundation depend upon spoils and plunder. I have often heard Mr. Calhoun say that most of the conflicts in every Government would be found at last to result in the contests between two parties, which he denominated the tax-consuming and the tax-paying parties. The tax-consuming party, he said, was that which fed upon the revenues of the Government, the spoils of office, the benefits of unequal and class legislation; the tax-paying party was that which made the contributions to the Government by which it was supported, and expected nothing in return but the general benefits of its protection and legislation; and he said, and said wisely, in my opinion, that whenever this tax-consuming party, as he called it, got possession of the Government, the people must decline, and the Government must either go to pieces or assume another and different form.

Now, sir, I say that the working of our present exclusive system is such as to produce a party of that description in the country, and give it the power of ruling its affairs. Place the predominant power in this Government in such hands, and I say one of two things must certainly happen: the Union will go to pieces in the collision which such a state of things would occasion, or else the Government would eventuate in a despotism.

The check which I propose would not only remedy this evil, by giving a

sectional check where a sectional check is necessary, but it would do more; it would do much to purify the general legislation of the country, and do much to elevate the tone of public morals and manners throughout the land. I believe that this single change would do more to give us a permanent Union, a just and efficient Government, than any other that could be made.

But, Mr. President, that is not the only check which, in a reconstruction of this Government and Union, ought, in my opinion, to be introduced. It is well known that some of the most important objects of this Constitution and Union are left simply to the discretion of the States; that there is a large class of rights, and important rights, for which there are no remedies, or next to no remedies. Those provisions which are designed to secure free trade and free intercourse between the citizens of the States can all of them be nullified or set aside by State legislation. The States can pass laws so to obstruct this free intercourse that the constitutional privilege may amount to nothing; and if this Union had endured, and these contests had continued, we should have seen laws passed in a spirit of retaliation by the States which would have broken up free trade between them. They could have taxed the commodities of the obnoxious States after the package was broken, under the decision of the Supreme Court itself. They could make it penal in their citizens to use the ships of another State, if it was obnoxious to them; and in many other ways they could, by their legislation, destroy some of the most important objects of the Constitution.

I believe, myself, that it was intended, by the framers of that instrument, that the States should have been mainly instrumental in restoring fugitives from labor, or, to speak more plainly, fugitive slaves. We know that it is in their power, not only to refrain from discharging this duty, but actually to obstruct and impede the Government of the United States in its effort to execute the law. There are certain rights for which there are no remedies. It is provided, for instance, that no State shall maintain an army; and yet, if it does, so there is no remedy to prevent it.

Now, sir, I propose, in order to secure the proper enforcement of these rights for which, as I say, there are no adequate remedies, that the Supreme Court should also be adjusted. It should consist of ten judges—five from each section—the Chief Justice to be one of the five. I would allow any State to cite another State before this tribunal to charge it with having failed to perform its constitutional obligations; and if the court decided a State thus cited to be in default, then I would provide, if it did not repair the wrong it had done, that any State might deny to its citizens within its jurisdiction the privileges of citizens in all the States; that it might tax its commerce and the property of its people until it ceased to be in default. Thus, I would provide a remedy without bringing the General Government into collision with the States, and without bringing the Supreme Court into collision with them. Whenever international stipulations in regard to the duties imposed on the States, as laid down in the Constitution, are violated, I would remedy the wrong by international remedies. I would give a State the right, in such cases, after the adjudication of the court, to deny to the offending State the performance of the mutual obligations which had been created for its benefit. In this way I believe that these wrongs might be remedied without producing collision in the system. A self-executing process would thus provide a remedy for the wrong, without a jar to the machinery of Government.

In order to make this check efficient, it should be provided that the judges of the Supreme Court in each section should be appointed by the President from that section, and this is the only original appointing power which I would give to the second President.

I have presented this scheme, Mr. President, as one which, in my opinion, would adjust the differences between the two social systems, and which would protect each from the assault of the other. If this were done, so that we were made mutually safe, I, for one, would be willing to regulate the right of secession, which I hold to be a right not given in the Constitution, but resulting from the nature of the compact. I would provide that before a State seceded, it should summon a convention of the States in the section to which it belonged, and submit to them a statement of its grievances and wrongs. Should a majority of the States in such a convention decide the complaint to be well founded, then the State ought to be permitted to secede in peace. For, whenever a majority of States in an entire section shall declare that good cause for seces-

sion exists, then who can dispute that it ought to take place? Should they say, however, that no good cause existed, then the moral force of such a decision, on the part of confederates of those who are bound to the complaining State by identical and homogeneous interests, would prevent it from prosecuting the claim any further. I believe that the system thus adjusted would give us a permanent Union, an efficient, a useful, and just Government. I think our Government would then rank among the most permanent of human institutions. It is my honest opinion that, with a Government thus balanced, and with such capacities for empire as our people possess, we should build up a political system whose power and stability and beneficial influences would be unparalleled in all the history of the past.

I know, Mr. President, it may be said that such a distribution of power does not accord with the principle of distributing power according to numbers; but I say that if that be the true principle at all, it applies only to States which have a single government; it does not apply to confederacies; and if it were left to me to amend this Constitution, I would stamp upon this Government a character still more distinctly federative than that which it now bears. I say, then, that the distribution of power which I propose would be entirely just upon the federative principle. Nor would my proposition be at all more inconsistent with the principle of distributing power according to numbers than the arrangement of the present Federal Constitution. Nothing in my scheme is more unequal than the provision which gives the six New England States twelve Senators while New York has only two, although the population of that State is as great, and I believe greater, than that of all the New England States together. There is nothing in the scheme now proposed inconsistent with the federative principle; and if the slaveholding and the non-slaveholding States had been standing apart for a dozen years in different confederacies, and there was a proposition to unite those confederacies in one, no man would think it extreme, or be surprised, if each of the confederacies insisted upon such powers and such guarantees as would enable it to defend its own social system and to secure equality, together with the opportunity for expansion according to the peculiar law of its development.

But, Mr. President, as I said before, I do not mean to declare that this is the only scheme upon which I will settle. I say I believe it to afford the best basis of settlement which has yet been devised. There are other schemes upon which I would settle. I would settle upon something which would give only a truce, provided it promised to be a long truce, and then trust to public opinion and the progress of truth to remedy future evils when they might arise. But I would prefer, when we do settle, after all this turmoil and confusion, that we should do so upon some principle which promises us a permanent adjustment, a constant and continuing peace, a safe, an efficient, and a stable Government.

Mr. President, I have founded my suggestions upon the fact, which I take to be an accomplished fact, that some of the States of this Union have already withdrawn, and that the old Union has been dissolved, and has gone. I believe there is no way of obtaining a Union except through a reconstruction, because I utterly repudiate and deny that it can be done through the system of coercion, which some have proposed. Sir, I say, if you were to attempt coercion, and by conquest to restore the Union, it would not be the Union of our fathers, but a different one. I maintain it would be a Union constructed in entire opposition to the true American spirit and American principles; a Union of a number of subjugated provinces with others who governed them and wielded the whole power of the Confederacy.

But, sir, I maintain that coercion, if it were possible, is not right; and that if it were right, it is not possible. I think it can be shown that it is neither right nor possible. I believe that it can be proved that the only effect of an attempt at coercion would be to destroy the chances of a reconstruction of the Union, or, in other words, to defeat all the hopes that are left to the friends of a Union in the country. I say that if it were possible, it is not right. I believe it is not right, because I believe in the right of secession in the States. It is not my purpose to repeat the argument which has been so much better made by my friend, the distinguished Senator from Louisiana, (Mr. BENJAMIN.) I do not mean to argue that question; I merely say that, to my mind, it lies in a nutshell. If it be true that our Constitution is a compact, as history demonstrates,

between the States as parties; and if it be true, as Mr. Madison has demonstrated, that there is no common arbiter in disputes between these parties; and if it be true, as Mr. Webster has said, that a bargain broken on one side is broken on all sides, then it results inevitably that it is for the State to say whether the bargain has been broken, and to act accordingly. I do not say that this right of secession is laid down in the Constitution. It results from the nature of the compact. When two nations enter into a treaty of mutual obligations, and one fails to fulfill its part, the other may cancel it; not from any stipulation in the treaty, but from the nature of the compact. It is the very remedy for the very wrong; and, indeed, it is the only remedy for the wrong.

But, sir, I care not what you call it; call it revolution, if you choose; let this be the name that you give it; I still say I think I can show you from the Constitution that you have no right to interfere with it. If it be revolution, it is organized revolution; it is a revolution conducted by an organized body, and so acknowledged to be in the Constitution itself. If it be revolution, it is a revolution managed by the government which the Constitution acknowledges to be a legal government—I mean the government of the State. How, then, could this Government pretend to treat as a rebel him who obeys a government that it acknowledges to be legitimate? Especially, how can it interfere to treat him as such when he has acted under a warrant from the very power from which this Government derives its authority? How does this Government derive its authority to administer its functions within the State of Virginia? It derives it from the assent of the people of the State of Virginia, given in the convention which represented them in their sovereign capacity. How does the State government derive its authority? From the very same source; and in any dispute between the two, as to authority, it is for the source of authority to both to say whom the citizen shall obey. This Government rests and has its being in the assent of the people of the different States; and without it the Constitution has clearly created a Government which cannot exist or be administered within a State. Then, if it be true that this Constitution created a Federal Government which cannot be administered within its limits without the assent of the people of the State, it would follow that the Constitution has declared, by implication, that the only authority of that Government rests upon the assent of the people of the State, and that when this is withdrawn, it has no longer any rightful jurisdiction within it. Is it, then, true that this Government is so constructed by the Constitution that it cannot execute its functions within the State without the assent of the State, or against its will and authority? If so, then the Constitution clearly implies that the authority of the General Government is gone within the limits of a State when the people of that State have withdrawn their assent to its jurisdiction—a conclusion which is in entire accordance with the principles of free governments as laid down by the fathers of the Constitution.

I proceed then, Mr. President, to make good my proposition, that this Federal Government cannot be carried on within the limits and jurisdiction of a State, without the assent, the aid, and the sympathy of its people. In the first place, it depends on the Legislatures of the different States to elect members of this body. If a majority of the States, although they might represent a small minority of the people, were to refuse to send Senators here, your Government is gone; you have lost one of the most important arms of the system; you have no longer a Senate.

But, sir, in order to carry out the functions of this Government you must administer its judicial powers. Can you administer the judicial powers of this Government within a State if that State withdraws its assent and is determined to resist that administration? Can you do it by any means given you under the Constitution? Suppose a State repeals the penalties for murder as against the officers of the General Government; suppose it repeals the penalties for false imprisonment as against those officers; suppose it should say it had reason to fear that the officers of the General Government would be appointed under influences which would be utterly destructive to its domestic peace and social system, and that they must give bonds for good behavior, with sureties to be found in the State itself: if a State were to undertake to obstruct the course of Federal justice in that way, where would the remedy be found within the constitutional power of this Government? Would it undertake to pass a code

of municipal legislation in order to protect the persons, and property, and effects of its officers? Could it say that its officers should not be answerable to the jurisdiction of the State for offences against the laws of the State when they were within its jurisdiction? Certainly they could not do that, consistently with the Constitution. When it came to such a pass as that, they would have the same right to enact and execute a municipal code for all the people of the States, that they would have to make one for that portion of the people who constituted the mass of the Federal officers.

But, sir, that is not all. To obtain the right of exclusive legislation within dock-yards, forts, arsenals, and other needful buildings, Congress must have, first, the consent of the States. That must be given under the Constitution. Suppose a State refuses its consent. Where would be your court-houses, your forts, your custom-houses? Where would you have the *loca in quo*, from which to administer the functions and the power of this General Government? Everywhere, if they were to refuse to give you this assent, you would be under State jurisdiction; and thus it would be in the power of the State constantly to thwart, obstruct, and prevent the administration of Federal justice, or the administration of Federal power, within her limits and jurisdiction.

So, too, it is in the power of the States, if they choose, if they undertake to withdraw their assent from this Constitution, to defeat these great ends of the Union, which I have before described, as designed to insure free intercourse and free trade between the citizens of the several States. Thus it will be found, when you come to examine the matter, that this Federal Government cannot exercise its most important and its essential functions within the limits of a State if the people of that State refuse to assent to its power, and choose to obstruct it by means which they have under the Constitution of the United States. If this be so, what is the result to be derived from that fact? The result is, that the framers of the Constitution supposed that this Federal Government would only be an authorized Government within a State so long as it had the assent of the people of that State; and that when the people of that State withdrew their assent, it was not the authorized Government; and therefore they provided no means for enforcing its powers and for exercising its jurisdiction. Is not that the inevitable conclusion, from the facts to which I have just alluded? Sir, the only mode in which you could protect the administration of the Federal affairs and the Federal jurisdiction within the State, would be to set aside the State government by force, and to reduce it to a territorial condition; and then what would be the result? You first coerce a State because it secedes from thirty-two other members of this Confederacy; and you turn around and secede yourselves from it by reducing it from the condition of a State to the position of a Territory!

But, Mr. President, I say that if coercion were right, it is impossible. I say that no man can doubt that if it be attempted against one of the seceding States, all the slaveholding States will rally to the aid of their sister; and the idea that you can coerce eight, or ten, or fourteen, or fifteen of the States of this Confederacy when standing in a solid body, is preposterous. I acknowledge that you may make a civil war which will produce immense disasters in both sections of the country; I acknowledge that you can inflict immeasurable evils and great calamities upon both the contending sections; but as to supposing that either one could subdue the other so as to place it under its yoke, and impose its laws upon it, I do not entertain the idea for an instant.

Why, sir, how would this war of coercion be waged? It would take \$100,000,000 yearly, for you cannot wage it with less than a hundred thousand men, and where would you get this sum? Not from imports; for what would the imports of the northern portion of the Confederacy be when you took from them all that comes in return for the exports of the South? You would have to sustain the war by loans and direct taxation; and is it to be supposed that the people would bear such burdens in such a cause as that? I believe they might submit to any just and necessary taxation in the defence of their own legal and necessary rights; but would they submit to such a scheme of taxation for the purpose of enforcing their yoke upon other people—for the purpose of depriving those other people of the right of self-government? Whose would be the commerce that would be preyed upon? Not the southern commerce. That would go in foreign bottoms. The commerce to be preyed upon by privateers would be the commerce of the other section of the Confederacy. If it came to a ques-

tion of plunder, which of the sections would afford the greatest temptation to plunder? Where are the cities, villages, the concentrated wealth of a community to be found in the greatest number and quantity? Those are the objects which tempt the rapacity of a soldiery. You could not steal our negroes. Your own people would not allow you to take them and set them free among them, to enter into competition with them for labor and for wages. How would you carry on such a war, sir? Where would you find the means? You would not continue the attempt for more than six months before you would find it impossible, and you would abandon it.

I say, therefore, that it is not possible by any such means, to coerce the southern people into submission. I know there is a talk of attaining all the valuable purposes of a Union, by a simple blockade of the coast; that is, by a blockade which should collect the customs and do nothing more. Where would the ships come from to blockade the whole southern coast? And how could they effect their purpose under this Constitution, unless, indeed, they intend to violate it? Where would be their judges, their inspectors, their appraisers, their collectors? Where would they exercise their functions? On shipboard? That would be impossible. Would you transfer the cargo of the ship to another port of a collection district in another State, which had not seceded? Why, sir, the cargo would not be wanted there. How in regard to the commerce of the South during that period? You can lay no duty upon exports. They would forbid their people, under penalties, to send their commodities by any but foreign bottoms; they might forbid the people, by penalties, from consuming any goods which they did not manufacture themselves, or import from abroad; and thus you would lose your most valuable customers in the carrying trade, and the most profitable consumers of your manufactures.

And what would you get in return? Would the customs that you thus collected pay the expenses of the blockade? Would they pay half the expenses of the blockade? It is manifest they would not. The blockade, to be effectual, would have to be a blockade of war, in which you prevented vessels from going either out or in; and is it to be supposed that foreign nations would allow this? Is it to be presumed that Great Britain, which has millions of human beings whose very existence depends upon cotton, that the great interests of civilization would allow this grand material of human industry to be thus shut up and denied to them? Why, sir, it is not to be supposed for a moment. There are other powers which would prevent such a blockade, in addition to the resistance which might be expected from the section that it was attempted thus to coerce.

I say, then, Mr. President, that it is idle to think of coercion. You may, if you choose, if such be your feeling, inflict evils by waging civil war; but will you inflict more on others than you will receive in return? Will you be benefited by the operation when you come to sum up its results and effects? I think not. But suppose you could succeed—I put the question to you now—suppose you had succeeded according to your utmost wishes; suppose you had conquered the South; that you had subjugated the entire section; that you had reduced those States to the condition of dependent provinces, how then would you exercise your power? Would you apply your doctrine, that there can be no property in slaves? In that community of eight or nine million white men and four million slaves, would you turn them loose together, and set the slaves free? Would you repeat the experiment of the British West Indies—of the Island of Jamaica? Would your people stand by and see the cultivated fields return to the bush, the white man being gradually reduced to the level of the negro, and the negro remitted and restored to his primitive condition of barbarism? Would the great interests of civilization and humanity permit such a result? Would your own interests, your manufacturers, your shipowners, agree to it? Sir, it is not to be supposed that such a thing would be permitted; and what then would be the result? You would have to maintain the social system; you would have to recognize property in slaves; and what would follow from that? If you recognize property in slaves, you must cause fugitive slaves to be restored. If you recognize a property that is under the jurisdiction of your Government, you must protect it; and if you do protect it, you must punish persons who attempt to make raids upon it, and to incite servile insurrections. And, sirs, if you once commit yourselves to the duty of protecting it throughout all these conquered States, you would find that it followed, as a necessary consequence, that you must protect it wherever you had the exclusive jurisdiction. What,

then, would become of your dogma of excluding it from the Territories? What would be the effect of such an experiment? You pen them up until there comes to be a surplus population in the old States; you pen up the negroes, and say the negro shall not move, but the white man may. What is the effect of that? The white man does move when the wages of labor are low; the negro remains and gains the preponderance in population until you give him the best part of the continent, and remove the white man to the worst. Could such an absurdity as this be tolerated, Mr. President? No, sir; not after it was made manifest.

Then, if you would be forced to agree to all these things, if you succeeded according to your wishes, and conquered and subdued us, after a bloody and harassing civil war, why not do it beforehand, when it would save the Union? Why not do it now, when it would avert all these calamities? Why not avail yourself of the present opportunity, when you may do so without the dreadful inconsistency which will be charged upon you, when you may be forced to do these very things after you have carried on this cruel and harassing and distressing system of civil war?

I say, then, Mr. President, that it is impossible to coerce the southern States, if you were to attempt to do so. If you had the constitutional right to do so, it would be impossible. Why create a civil war wantonly, without purpose, without use or benefit to any one? If this be so, why not adopt the proposition in my resolution—why not cede back the forts to those States that claim to have seceded, and to have withdrawn from this Confederacy? What do you want with the forts in the harbor of Charleston? If you do not mean to coerce South Carolina, they are of no use to you; if you do mean to coerce her, you ought not to have them. The whole thing lies in a nutshell; because, if you do mean to use them for the purpose of coercion, you light up the flames of civil war, and there is no telling when those flames will be extinguished; if you do attempt to use them for the purpose of coercion, you destroy the chances of the construction of another Union, which I still hope and trust may take place, and which may prove to us a more permanent bond of alliance and fraternity than that one which is passing away from us.

I say, too, sir, that you have no right, when you come to weigh the question of right, to hold on to these forts. You could not have obtained them without the consent of the Legislature of the State; that is the provision of the Constitution. Upon what consideration was that consent given? Not for pecuniary considerations. It was given upon the consideration that they were to be used for the defence of the State. Now, sir, you keep them when they can no longer be used for the defence of the State, but are proposed to be used for offensive purposes against her. The consideration, therefore, in my opinion, has failed; and in justice and equity, you ought to restore them.

But, Mr. President, if there were no moral obligation upon you to do so, I maintain that considerations of policy ought to prompt you to do it. In no other way can you prevent the commencement of civil war. They say they have seceded; they say they are out of this Union. I believe myself that they are. You maintain a different opinion; but certain it is, that while you might give them up without inconsistency, so far as your opinions are concerned, they could not yield them without absolute inconsistency, so far as their pretensions are to be considered. If they are an independent people, they have a right to these forts. If they are an independent people, they are bound to take them, if they have the power to do so, when they believe they are in the possession of a foreign Government. But how is it with you? What inconsistency do you manifest, provided it be policy to do so, when you withdraw from them? You do not admit the doctrine of secession. In the form in which the resolution is proposed, you are not called upon to admit it. You may support the resolution upon the ground of policy; for, under the resolution, a State which did not intend to secede might apply for a retrocession of the forts, and the retrocession might be given in some cases from motives of policy, and without the least violation of the Constitution. Suppose the city of New York had said to us, at a time when the public defences were going up at a rate which did not satisfy her, because they were too slow, "retrocede to us the jurisdiction; it is essential to us to have the forts; we will construe them rapidly; pass a law allowing the State to maintain troops, and we will man them and keep them." It is obvious that there might be circumstances under which it would be politic for New York to make such a demand, and there might be circumstances under

which it would be just and proper to grant it. I say, therefore, you do nothing inconsistent with your opinions against secession, when you agree to return these forts; and there is nothing impolitic in such a concession, unless you desire to use them for purposes of coercion.

Mr. President, I maintain that every consideration of policy should induce us to remove that bone of contention, that cause of strife between us; and I am especially anxious for it, because I believe that if we have civil war, we lose all hopes of reconstructing this Union. I desire myself to see it reconstructed on principles of fairness, equality, and justice, between the sections. I believe that if a drop of blood is once shed, if you do not destroy the chances of it, you postpone it to a very distant day; and, for one, I do not desire to see this. I presume that we shall soon see nearly all the southern States out of the Union. I think it probable that they will unite first and form a union of the South for the sake of the South; and having done so, I hope and trust and believe that they will call a southern convention for the purpose of proposing a reaccommodation and readjustment on proper terms; and if the non-slaveholding States at the same time shall assemble in convention and exchange propositions, I hope and trust that some settlement may be had, some reconstruction to make this Union more permanent and this Government more valuable than ever it has been to us in the past. Secession does not necessarily destroy the Union, or rather the hopes of reunion; it may turn out to be the necessary path to reconstruction. The secession of the Roman people to the Sacred Mount did not destroy Rome. On the contrary, it led to a reconstruction of the constitution, to the tribunitian veto, to new securities for the equality and liberty of the people. The Roman Government became more permanent and powerful than before, and the Roman people benefited by the change. But if it should turn out that in this exchange of propositions it was impossible to accommodate the difference, still it might result in the establishment of some league, not merely commercial, but political, holding us together by a looser bond than any which has bound us heretofore, and we might thus still secure many of the benefits of this Government and this Union, while we left each section free to follow the law of its own genius, and to develop itself according to the promptings of its own nature.

I say, therefore, that, so far as I can weigh the question, it is no more a question of Union, but one of reunion. To produce reunion, it is essential that the southern States should be allowed to take that position, which it is obvious they are going to take, in peace. You must give, too, all the time you can, and offer all the opportunities you may, to those who desire to make an effort for the reconstruction of this Confederacy. Sir, I say I am one of those; for while I believe that the South owes it to itself first to secure its own position, to provide for its own protection, to unite in such strength as will enable it to defend itself against all goers and comers, I also believe that the interests of mankind, our own interests, and the interests of our confederates, would then require that we should reconstruct the old Union if we can, or rather construct a new Union on terms of equality and of justice.

But, Mr. President, will this be possible if we enter into a course of civil war? If brother begins to shed the blood of brother, and people become irritated and excited at the sight of blood, will it be possible to reunite us again? And, sir, I ask if the Republicans are willing, if they mean to insist, to add civil war to the long catalogue of enormities for which they are to be held responsible hereafter? Is it not enough that they have marched into power over the ruins of the Constitution, and that they have seized this Government at the expense of the Union? Will they be contented with nothing less now than civil war, and such a strife, according to their own account of it, as is unparalleled in the history of modern and civilized warfare? It is said that this fratricidal contest is to be attended with horrors and atrocities at which even the men of Wallenstein, his "whiskered pandours and fierce bussars," would stand aghast and pale.

I would ask if they are, indeed, willing to let loose the dogs of war, hot from hell, to ravin through this land; if they desire that "one spirit of the first-born Cain" shall reign in every American bosom, to prepare the hearts and minds of men for blood, and to stir up fratricidal strife throughout this once happy country? What excuse, when they have returned from such a war of devastation and ruin, will they be able to give to their own consciences?

How will they account with humanity for its best hopes, which they have destroyed; for having crushed out and extinguished the highest capacities for usefulness, progress, and development which were ever bestowed on man? Sir, what judgment will posterity pronounce upon them when it comes to sit in judgment on the deeds occasioned by such unhallowed ambition! Will it not say, "You found peace, and you established war; you found an empire of the United States, and you have rent and scattered it into separate and hostile fragments?"

And, more awful still, what account will they render at the bar of Heaven, when, from many a burning homestead and many a bloody battle-field, spectral hosts shall appear to accuse them there; when the last wail of suffering childhood shall rise from the very depths of the grave to make its feeble plaint against them, and the tears of woman, helpless woman, shall plead against them for her wounded honor in the voiceless woe of her ineffable despair! How will they account for it before man and God, before earth and Heaven, if they close with blood this great American experiment which was inaugurated by Providence in the wilderness to insure peace on earth and good will to man; an experiment which was maintained and conducted by our fathers, not only by their blood, but with their most pious care? How will they hide themselves from the accusation, when one universal voice of misery and despair shall be heard throughout the land?

I say to them, sir, that it will be no compensation or excuse for such sins that they have succeeded in enabling themselves to waive a barren sceptre over a mutilated empire, an exhausted and a suffering land! Why is it that these threats are made? Is it done for the purpose of preventing the southern States from seceding? Never have been taken more ill-judged steps to secure an end. They but precipitate and hasten what they wish to prevent. Such threats of coercion as these only serve to make the southern States precipitate themselves into the arms of each other, that they may stand together in a common cause, and unite their strength to make a common defence. I say, for my own State, that she has not yet commissioned me to speak; she is taking counsel at home as to her future action; but this I do feel authorized to declare: she loves peace, and she desires to avoid war; but she will not be deterred from asserting her rights by threats of coercion or from any fear of consequences. Sir, once before in her past history, in the sacred name of honor, liberty, and equality, she staked her destiny on the war of the Revolution, when "the cause of Boston was the cause of all;" and for the same high considerations, I know that she will imperil all again, if she believes it to be her duty to do so. And if the day shall ever come when she can neither defend her honor nor assert her rights because the hand of power wields its bloody sword before her, she will feel that it would be better for her name and fame to perish with them.

Republican Senators, why are these threats of coercion sent to the southern States, who are seeking to do no evil to others, but merely to protect and defend themselves? Do they go out with any purpose of attacking your rights? Do they secede with the wish to injure or disturb you in any manner? Are they not going out simply for the purpose of exercising that first law of nature and of nations, the right of self-government, because they believe they are not safe under your rule? Are they not willing to meet all the responsibilities which they may have incurred while they were carrying on a joint government with you? Why, then, sirs, do you claim to pursue them with fire and with sword; why do you deny to them that right which belongs to every organized people? When we were asserting that right against the Government of Great Britain, we claimed and we received the sympathies of the whole civilized world. When the Spanish provinces rebelled against the mother country, we were quick to express our sympathy and regard for their cause. When Greece, distant Greece, asserted her independence, we were among the first to express our sympathy for her. Now, sir, the right which we are free to offer, and the sympathy which we gladly extend to foreigners and to aliens, are refused to our own brethren; and you say that, if they attempt to exercise them, you will pursue them to the death.

Mr. President, is it to be supposed that any Anglo-Saxon people, people of our own blood and race, would submit to such demands? Is there any free people who are worthy of liberty, who would not say that sooner than yield to such demands as these we bid you to wrap in flames our dwellings, and float

our land in blood? I believe if they attempt to coerce the southern people in this regard, they will meet not only with the detestation of mankind, but with such resistance as has never been shown before in the world, except, perhaps, in the history of Holland, whose people fought behind the dykes, and flooded their lands with the waves of the sea, preferring death in any and every form rather than submission to such oppression and tyranny.

But, Mr. President, I do not wish to pursue this line of argument. I do not desire to engage in any discussion which so much stirs the blood as the opposition that such rights as these are to be denied to any portion of my countrymen. I choose rather to stand in the character in which I appear this day. I stand here to plead for peace; not that my State, in my opinion, has any reason to fear war more than another, but because it is the interest of all to preserve the peace. In the sacred names of humanity and of Christian civilization; in the names of thirty millions of human souls, men, women, and children, whose lives, whose honor, and whose happiness depend upon the events of such a civil war as that with which we are threatened; in the name of the great American experiment, which, as I said before, was founded by Providence in the wilderness, and which, I insist, has not yet failed; I appeal to the American people to prevent the effusion of blood. It is said the very scent of blood stirs up the animal passions of man. Give us time for the play of reason. Let us see, after the southern States have secured themselves by some united action, if we cannot bring together once more our scattered divisions; if we cannot close up our broken ranks; if we cannot find some place of conciliation, some common ground upon which we all may rally once more; and when the columns come mustering in from the distant North and the farthest South, from the rising and from the setting sun, to take their parts in that grand review, the shout of their war-cry shall shake the air until it brings down the very birds in their flight as it ascends to the heavens to proclaim to the world that we are united once more, brothers in war, and brothers in peace, ready to take our wonted place in the front line of the mighty march of human progress, and able and willing to play for the mastery in that game of nations where the prizes are power and empire, and where victory may crown our name with eternal fame and deathless renown.

Mr. HARLAN. Mr. President—

Mr. BAKER. By the leave of the Senator from Iowa, I desire to ask the gentleman from Virginia if he will allow me, and consider it respectful, one question.

Mr. HUNTER. What is the question?

Mr. BAKER. It is this: if a majority of this branch of Congress—the constitutional majority, and a majority of the other branch, also the constitutional majority—shall pass constitutional amendments, to be submitted according to the forms of the Constitution, for the consent and approbation of the people, in that event, if they be such as substantially meet the views of gentlemen on the other side, will the Senator from Virginia, so far as he can, throw the weight of Virginia, and especially the weight of his own individual character, to maintain the Constitution as it is, the Government as it is, the laws as they now are, with the power of the Government, until the people, or the States, shall have decided upon those amendments?

Mr. HUNTER. The Senator has asked me some question which I cannot answer. I cannot answer for Virginia; I am not authorized to do so. I can only say this: that I will vote for the propositions of the Senator from Kentucky which were presented in committee; and other gentlemen declared that they believed they would be satisfactory; but whether the people, who are now seceding and getting in line together for purposes of common defence, would wait to ascertain whether the States would adopt them, I am not authorized to say.

Mr. BAKER. That is not quite it; I do not make myself understood by the gentleman. Will the gentleman himself, as a Senator—

Mr. HUNTER. If the Senator is not satisfied, I cannot satisfy him.

Mr. BAKER. Ah!





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